

**REMARKS**

**I. STATUS OF THE CLAIMS**

Claims 1-5, 7-8, 14-16 and 18 are currently pending.

The claims are amended herein.

In accordance with the foregoing, claims 1, 5, 14, 15, and 16 have been amended. The phrase "bonds of hydrogen with silicon as a residual" is supported by the description on page 15, line 9 to page 16, line 5 of the specification. The terminology "Ti compound" was recited in original claims 1 and 5, for example. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1-5, 7-8, 14-16 and 18 are pending. Reconsideration is respectfully requested.

**II. REJECTION OF CLAIMS 1-5, 7, 8, 14, AND 15 UNDER 35 USC 102(B) AS BEING ANTICIPATED BY BUSIO ET AL. (US 2001/0005115 A1)**

The amendments to claims 1, 5, 14, 15, and 16 clarify the claimed invention which has a dielectric layer comprising SiO<sub>2</sub> film having bonds of hydrogen with silicon.

Also, the SiO<sub>2</sub> film having bonds of hydrogen with silicon of the claimed invention is not suggested in Busio. That is, the dielectric layer of Busio and the dielectric layer of the claimed invention are different in structure.

Consequently, the claimed invention and Busio are different in the subject and structure, and the claimed invention is not obvious in view of Busio.

Independent claim 1 of the present invention recites "the dielectric layer is a SiO<sub>2</sub> film, having bonds of hydrogen with silicon as a residual in the film, of a thickness in a range of 5 to 15  $\mu$ m." Independent claims 5, 14, 15 include similar terminology. In contrast, Busio et al. teaches "the dielectric layer (5, 9, 28) comprises a transparent metal oxide matrix in which alkyl groups are present." It is respectfully submitted that it is known to those skilled in the art that utilization of a metal oxide in a dielectric layer provides a higher dielectric constant than utilizing SiO<sub>2</sub>. Thus, the dielectric layer of Busio et al. is different from the dielectric layer of independent claims 1, 5, 14 and 15 of the present invention.

Hence, Busio et al. teaches away from independent claims 1, 5, 14 and 15 of the present invention. Since claims 2-4 and 7-8 depend from independent claims 1 and 5, Busio et al. teaches away from claims 2-4 and 7-8 also.

Thus, it is respectfully submitted that claims 1-5, 7, 8, 14, and 15 of the present invention

are not anticipated under 35 U.S.C. §102(b) by Busio et al. (US 2001/0005115 A1).

Reconsideration is respectfully requested.

III. REJECTION OF CLAIMS 16 AND 18 UNDER 35 USC 102(E) AS BEING ANTICIPATED BY JUSTEL ET AL. (USPN 6,559,598)

Amended independent claim 16 of the present invention recites "a dielectric layer made of a sheet frit glass formed on the substrate by baking, the dielectric layer covering the electrodes, having a thickness in a range of 5 to 15  $\mu\text{m}$ , being a  $\text{SiO}_2$  film, and containing a hydrocarbon bond therein." In contrast, as acknowledged by the Examiner, Justel et al. teaches "a dielectric layer (4) of  $\text{PbO}$  sheet glass formed on the substrate and electrodes" (see Justel et al., col. 4, lines 3-5). The dielectric layer of the present invention, as recited in amended claim 16, does not utilize  $\text{PbO}$ . It is respectfully submitted that it is known to those skilled in the art that use of  $\text{PbO}$  has a strong influence on the dielectric properties in a dielectric layer.

Support for the amendment to claim 16 is found, for example, in the disclosure on page 15, lines 3-4 and lines 9-13.

Hence, Justel et al. teaches away from independent claim 16 of the present invention. Since claim 18 depends from independent claim 16, Justel et al. teaches away from claim 18 also.

Thus, it is respectfully submitted that claims 16 and 18 of the present invention are not anticipated under 35 U.S.C. §102(e) by Justel et al. (USPN 6,559,598). Reconsideration is respectfully requested.


IV. CONCLUSION

In view of the above, it is respectfully submitted that the application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

If any further fees are required in connection with the filing of this response, please charge such fees to our Deposit Account No. 19-3935.

Respectfully submitted,

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